



INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

We make Indiana a cleaner, healthier place to live.

Frank O'Bannon
Governor

Lori F. Kaplan
Commissioner

100 North Senate Avenue
P.O. Box 6015
Indianapolis, Indiana 46206-6015
(317) 232-8603
(800) 451-6027
www.state.in.us/idem

June 26, 2001

Mr. Michael Ebner
U.S. Environmental Protection Agency
Engineering and Analysis Division (4303)
1200 Pennsylvania Avenue, N.W.
Washington, D.C. 20460

Dear Mr. Ebner:

Re: Comments on the Metal Products and
Machinery (40 CFR 438) Proposal

The Indiana Department of Environmental Management (IDEM) has reviewed the U.S. Environmental Protection Agency's (U.S. EPA) January 3, 2001 Federal Register Notice entitled Effluent Limitations, Guidelines, Pretreatment Standards, and New Source Performance Standards for the Metal Products and Machinery Point Source Category; Proposed Rule. Listed below are IDEM's comments concerning this proposal.

Inclusion of P2 Alternative for Metal Finishing Job Shops Category

We are not suggesting the inclusion of additional or different pollution prevention (P2) practices required in each category. We believe the inclusion of tin in the proposed limits presents a disincentive to P2, as tin is currently a viable P2 alternative in the metal finishing industry. With low toxicity, tin is an excellent P2 candidate. There are no tin limits in the Indiana Water Quality Standards, nor is it on the Great Lakes Initiative Pollutant of Initial Focus list. Therefore, tin should be removed from the proposed limits.

Additionally, IDEM does not support limiting the P2 alternative to only the Metal Finishing Job Shop Category. The P2 alternatives should benefit all facilities that implement them and we do not support limiting P2 to one industry category.

IDEM supports the additional requirement of meeting pretreatment standards in 40 CFR 433 for facilities choosing to implement P2 alternatives. The technology represented by the Metal Finishing Standard has been common industry practice for the past twenty years and properly operated 413 sources should have no difficulty meeting 433 standards.

P2 and recycling as categorical alternatives

IDEM believes that P2 and other practices that lend themselves to increased recycling should be incorporated into the categorical standards whenever possible. The standards based on "end of pipe" treatment proposed by

EPA for MP&M are not environmentally sound and should be applied only when there are no alternatives. End of pipe treatment removes pollutants that are easily removed by the POTW (i.e., oil and grease and heavy metals) and concentrates pollutants that typically pass-through the POTW and enter into the receiving stream (i.e., dissolved solids which includes dissolved metals). EPA should not set standards based strictly on end of pipe treatment that passes contaminants through a POTW when alternatives are available.

IDEM recommends that EPA adopt regulations that directly recognize the effectiveness of in-process pollution prevention and encourage industry to use P2 as an alternative to end of pipe treatment. To this end, EPA should allow an industry to demonstrate categorical compliance by adopting manufacturing BMP's. For example, facilities that install effective O&G removal technology in aqueous baths (e.g., ultrafiltration) should be allowed to demonstrate TOP *or* O&G compliance by maintaining records that demonstrate the facility has maintained and operated an aqueous bath technology that effectively controls O&G. IDEM notes that EPA recognizes the O&G/TOP relationship in the initial MP&M proposal. By placing the O&G and TOP concentration limits on manufacturing conditions several environmental benefits accrue: bath life is increased, rinse water demand decreases, and energy consumption is lower than an end of pipe ultrafiltration.

IDEM also believes that oily waste from metal finishers should be excluded from the metals standard for metal finishing waste. EPA has made provisions to exclude oily waste from other segments from metals regulation due to the low metals content. These oily wastes are not significantly different and the proposed preliminary treatment of the metal finishing oily waste is the same as the oily waste treatment of the other segments. EPA should also actively support the Strategic Goals Program in its regulations. One of the goals of the SGP is reduction of sludge generation. This goal would be aided by reducing the volume of water to be treated for metals removal.

EPA adopted similar standards in the Chrome National Emission Standard for Hazardous Air Pollutants (NESHAP) when it allowed chrome electroplaters to demonstrate air compliance by regulating plating bath surface tension. Thus, IDEM recommends that in process O&G removal technology standards should be used as an alternative to end of pipe TTO and O&G standards in all Subcategories.

IDEM also believes that facilities that employ on-site silver reclamation technologies should have an alternative silver limit based upon the reclamation technology removal capacity. This is an established technology widely used in the photo processing industry and produces an easily recycled product. Categorical standards should encourage its use. Adopting reclamation, as a standard would also reduce the dissolved solids loading to the POTW.

Coordination between MP&M and the Strategic Goals Programs for Metal Finishers

IDEM has actively participated in the EPA Strategic Goals Program for approximately one and one-half years. Indiana has achieved considerable success given there are twenty (20) facilities and ten (10) POTWs in Indiana participating in the SGP. Given this success, within the next few months IDEM will roll out a voluntary recognition program for metal finishers. IDEM further supports the inclusion of the P2 alternatives in the MP&M final rule as it may result in an increased participation in our voluntary recognition program, which will in-turn provide an additional opportunity for metal finishers to be recognized for implementing pollution prevention.

Actions IDEM will take if Pollution Prevention is incorporated into the Final Rule

IDEM will investigate the development of a state program to review P2 programs implemented at the local level relative to the MP&M rule. We understand that inclusion of the P2 option in the final MP&M rule will result in additional regulatory over-site responsibilities for POTWs. In anticipation of the inclusion, IDEM may utilize the preamble to begin to develop a state program to provide such flexibility and review and approve P2 plans.

Thank you for the opportunity to comment on this important rule making. If U.S. EPA would like additional clarification or discussion regarding these comments, please contact Jim Mahern, Assistant Commissioner of the Office of Pollution Prevention and Technical Assistance, at (317) 233-6658.

Sincerely,

A handwritten signature in blue ink, appearing to read "Timothy J. Method". The signature is fluid and cursive, with the first name "Timothy" and last name "Method" clearly distinguishable.

Timothy J. Method
Deputy Commissioner for
Environmental Results